

PATENT  
454313-2340.2REMARKS

Reconsideration and withdrawal of the rejections of this application and consideration and entry of this paper are respectfully requested in view of the herein remarks and accompanying information, which place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1, 2, 17-19, 21, 23, 24, 31, 32, 43-50, 52, 54, 55, 62 and 63 are pending. Claims 1, 47, 48, 50 and 55 have been amended.

No new matter is added. Support for the amended claims is found throughout the specification; support for the amendment to claims 47 and 48 can be found specifically on page 5, line 22.

It is submitted that these claims are patentably distinct from the references cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The amendments of the claims herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112; but rather the amendments are made simply for clarification and to round out the scope of protection to which Applicants are entitled. Furthermore, it is explicitly stated that the herewith amendments should not give rise to any estoppel, as the herewith amendments are not narrowing amendments.

**Inventor Name**

Upon review of this application, it was realized that the middle and last names of inventor Gordon Moore Allan were inadvertently transposed on the Declaration to read Gordon Allan Moore, which is incorrect. It is believed that this typographical error can be changed, under the guidelines set forth in MPEP §605.04(b), without a petition under 37 CFR §1.182. Therefore, it is requested that the name of the second inventor of this application be corrected to read Gordon Moore Allan.

II. THE REJECTION UNDER 35 U.S.C. §112, 2<sup>ND</sup> PARAGRAPH, IS OVERCOME

Claim 48 was rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claims 47 and 48 have been amended to recite "a DNA plasmid", such that there is proper antecedent basis. Reconsideration and withdrawal of the §112, second paragraph, rejection are requested.

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### III. THE DOUBLE PATENTING REJECTIONS ARE OVERCOME

Claims 1, 2, 17-19, 21, 23-25, 31, 32, 43-50, 52, 54, 55, 62 and 63 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-9 and 12 of U.S. Patent No. 6,391,314.

Claims 1, 17-19, 24 and 25 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 9, 10 and 13-25 of U.S. Patent No. 6,368,601.

Claims 1, 2, 17, 19, 24, 25, 31, 32, 47, 49, 50, 54, 55, 62 and 63 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 2, 4, 6, 9, 10 and 13-26 of U.S. Patent No. 6,497,883.

Claims 1, 17-19, 21, 23-25, 31, 32, 43-50, 52, 54, 55, 62 and 63 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 2, 9-11 and 14-28 of U.S. Patent No. 6,217,883.

A Terminal Disclaimer with respect to all of these patents is attached, overcoming this rejection. Reconsideration and withdrawal of the double patenting rejections are requested.

### IV. THE REJECTION UNDER 35 U.S.C. §102 IS OVERCOME

Claims 1, 17, 18 and 25 were rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Wang *et al.* The rejection is traversed.

Claim 1 has been amended to remove the recitation of PCV-2 ORF 13, obviating the rejection with respect to claim 1, and dependent claims 17 and 18. Claim 25 has been cancelled, rendering the rejection, with respect to it, moot.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(a) are requested.

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CONCLUSION

In view of these amendments and remarks herewith, the application is believed to be in condition for allowance. Early and favorable reconsideration of the application, reconsideration and withdrawal of the rejections, and prompt issuance of a Notice of Allowance are earnestly solicited. The Commissioner is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,  
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